

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD MONDAY, NOVEMBER 18, 2019**

**COUNCIL PRESIDENT ISTNICK** – Welcome to the Massillon City Council Meeting for Monday, November 18, 2019. We have in attendance with us the following city officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, from the Law Dept., Justin Richards, Economic Development Director, Dave Maley, Income Tax/Budget Director, Lori Boron. On the wall to the left are agendas if you wish to follow the meeting. Also, if you look at the agenda, under item #5 is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I want remind anyone with cell phones, please turn them down or set them to vibrate.

**COUNCIL PRESIDENT ISTNICK** – Roll call.

**1. ROLL CALL**

Roll call for the evening found the following Council Members present: Jill Creamer, Sarita Cunningham, Mike Gregg, Jason Harris, Dave Irwin, Ed Lewis, Linda Litman, Paul Manson and Megan Starrett.

Roll call of 9 present

**2. INVOCATION**

**COUNCILMAN PAUL MANSON**

**3. PLEDGE OF ALLEGIANCE**

**LED BY COUNCILMAN MANSON**

**COUNCIL PRESIDENT ISTNICK** – Before we begin, Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. I just wanted to give a shout out to the Massillon Tigers with a big victory Friday night over Perry. I also wanted to mention what a tremendous job the Lake community did in hosting that contest. The administrators and the people of Lake really provided a great atmosphere and did a great job hosting that contest. And the last thing I'd like to say is that I just hope that as our Tigers are one step closer to a state championship, we got a big obstacle ahead of us this next game, but if we can just get a lot of support from the community for them, especially business owners. If you've got marquees, let's get "Go Tigers" out on those marquees and if you have Tiger signs in your windows and let's show the Tigers how much we support them. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Sorry, Sarita.

**COUNCILWOMAN CUNNINGHAM** – May I add something?

**COUNCIL PRESIDENT ISTNICK** – Sure.

**COUNCILWOMAN CUNNINGHAM** – One of the businesses in town donated the “Beat Hoban” signs and those are available at Keller’s Office Supply and probably also Tiger Rags if anybody wants to put in their windows.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

#### 4. **READING OF THE JOURNAL**

**COUNCIL PRESIDENT ISTNICK** – Madam Clerk, are the minutes of the previous meeting transcribed and open for public viewing?

**COUNCIL CLERK ROLLAND** – Yes, they are.

**COUNCIL PRESIDENT ISTNICK** – Are there any additions or corrections to be made?

**COUNCIL CLERK ROLLAND** – No, there are not.

**COUNCIL PRESIDENT ISTNICK** – Then the minutes stand approved as written.

#### 5. **REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA**

**L.J. DELUCA** – 2954 Veterans Blvd. S.E., Massillon, Ohio. Madam President, Hello. I caught that in the paper about you and that was a nice thing about the AAA, really appreciate it. Congratulations to you, Mayor, for winning the Person of the Year Award from the Repository and Independent. So, good job there. I’m going to talk about Ord. No. 153 – 2019 here today. I feel so strongly about it, I had to be here. I know it breaks your heart, some of you. But, the \$15,000 grant for Stark Medical Specialties, Jill is my councilwoman, maybe you’ll be a congresswoman, I don’t know, Jill, glad talking to you on the phone. However, as a taxpayer of Ward 4, I would appreciate it if you would vote “No” on the doctors getting the grant and I’m saying this is a nice tone. This is the Mayor’s husband; besides that, they’re not making any capital improvements, I checked it out; the building close to Home Depot. It’s a leased building and they don’t even own it, okay. And I even checked even further, absolutely not a capital improvement to real property nor value enhancement to the property itself. I just don’t like the way it is. I know the Mayor abstained from it, but if anybody should get any monies handed out by Dave Maley, Economic Director, Mayor Catazaro-Perry, it should be the streetscape people. Not the Mayor’s husband and all her partners. These people at streetscape took big losses. Some \$130,000 and more streetscape businesses with many very losses. So, I tell you this, the money tree for Dr. Perry and partner doctors should grow in their own backyard. Not in the City of Massillon. I really do believe this and especially as taxpayers pay for. I say to Dr. Perry, no way, Tony. We have too many businesses that have been devastated by poor planning, miscommunication and endangering our residents and business with the dangerous streetscape project and later on, I’ve been down there and I did a lot of things with some engineers. You’ll see what I mean about dangerous. I’ve been around, they don’t want no open drives coming through with brick. So, finally, if we do want to, I’m going to end it up, Jill, if want Dr. Perry and partners, doctors, if they want to donate \$15,000 or let’s say \$100,000 or \$150,000 to the businesses here in Massillon, Ohio, then I say take it, Jill, and I say to all the Council members, please take it. I just feel, I feel terrible for all the businesses down there at streetscape who lost money and the Mayor’s husband is asking for money? I’m trying to say it in my best voice, the City of Massillon, people, you can e-mail me or anything else you want to, but I think we need to fight for this. We have one in attendance here, Bill Weaver, tonight, one

of the owners at streetscape; lost a lot of money and I don't mean any disrespect to the Mayor, she's always nice, but I'm going to tell it just the way it is and thank you, Madam President.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Mr. DeLuca. Anyone else?

## **6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 153 – 2019**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with Stark Medical Specialties to provide an economic development "inducement grant" for building renovations and moving costs for the property located at 2458 Lincoln Way E., Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Thank you, Madam President. As I said last week, I intend to let this thing go three readings, but I do think that there are a couple of things I'd like to touch on. I also said that before we voted on this, I would hope we would have some type of strong statement from the Law Dept. as to the way they look at this and specifically, I've had somebody request that we look into whether it's ethical or not. So, I think that's needs to be looked at. As I said the other day, they're coming into town with over a million dollar, proposed million-dollar budget. I don't know, but we'll have to see if its that or not, but the taxes on that would be somewhere around \$20,000.00, the way we calculated. It could be more than that, so, it may even cover what the cost of the grant is. So, I think its worth taking a look, the grant, but I think we do need to look at the other stuff that's involved with it and give it two more readings.

**COUNCIL PRESIDENT ISTNICK** – Mr. Manson, could Mr. Richards come up and speak?

**COUNCILMAN MANSON** – Who?

**COUNCIL PRESIDENT ISTNICK** – From the Law Dept.?

**COUNCILMAN MANSON** – No.

**COUNCIL PRESIDENT ISTNICK** – Oh, I thought you said you wanted someone from the Law Dept.

**COUNCILMAN MANSON** – No, not now.

**COUNCIL PRESIDENT ISTNICK** – Oh, okay.

**COUNCILMAN MANSON** – I want it before we vote on it.

**COUNCIL PRESIDENT ISTNICK** – Oh, okay.

**DAVE MALEY** – I just want to give you an update, Mr. Manson and the Council. We spoke with somebody from the Ethics Commission today, briefed them on what the scenario is and are expecting something back from them.

**COUNCILMAN MANSON** – Okay. That's fine. I don't want to talk about it tonight. I just want to make those points and those questions that I've had and get answers for them. That's it, first reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you, No. 153 – 2019 has received first reading. Ord. No. 154 – 2019.

**ORDINANCE NO. 154 – 2019**

**BY: PARKS AND RECREATION COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement between the Massillon City School District Board of Education, the City of Massillon and the Parks and Recreation Department with regard to the tennis courts at Reservoir Park, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Thank you, Madam President. As we discussed at the Work Session, I was hoping to see Park and Rec. Director, Steve Pedro here, I don't see him, but the Law Director did speak upon this request, this ordinance of \$50,000, a one-time payment from the Massillon City Board of Education to the City Park and Rec. for the tennis court project. The total project is \$199,000 for this renovation. It is a contract agreement which is a twenty-year agreement for this. As the Law Director stated, nothing has changed regarding the use of this court. They take first priority. They request this, nothing has changed. So, are there any questions regarding this ordinance?

**COUNCIL PRESIDENT ISTNICK** – Councilman Harris.

**COUNCILMAN HARRIS** – My only question is that when the courts were originally put in, did Massillon, did the School Board kick any money for that originally?

**COUNCILWOMAN CREAMER** – To my knowledge, no.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilwoman Litman.

**COUNCILWOMAN LITMAN** – As far as the scheduling for the use of the courts, it indicates in the contract that it should be done by the Board's athletic director and the department's director. Do you know what that's referring to? The Parks and Rec. Director or are they to call in and someone at the Park and Rec. is going to be...?

**COUNCILWOMAN CREAMER** – You know what, I can not specifically answer that. All I am told that they are continuing the same process that they currently hold regarding scheduling usage of the tennis courts. So, if it goes through Steve, it'll be the same process. If it goes through the school, it's the same process. I know that this is something they wanted to move on this, but if this was a concern of yours, that if you want me to give first reading if you think it's something that we need to hold off on, I'm willing to do that.

**COUNCILWOMAN LITMAN** – Well, I guess I'd just like to confirm, is the school the priority and the public then, if it is being used by the school, then it is not open to the public. Is that correct?

**COUNCILWOMAN CREAMER** – Correct.

**COUNCILWOMAN LITMAN** – Okay. I just would hate for there to be confusion if there is another group that typically would use the courts.

**COUNCILWOMAN CREAMER** – Since Steve's not here, is there anyone here from the City that can answer these questions?

**COUNCILMAN GREGG** – I might be able to.

**COUNCILWOMAN CREAMER** – Go ahead.

**COUNCILMAN GREGG** – I had three sons that played tennis. The last one graduated in 2017 and I know as long as Coach Manweiler has been the coach, what they done is that the schools get priority for scheduling for practices and matches. If the public wants to use the courts, they can use them on an as available basis or they can schedule through the Parks Dept. to reserve a time, but the schools get priority and, as far as I know, they always have.

**COUNCILWOMAN LITMAN** – Someone's going to be keeping track of that though so that the Parks and Rec. doesn't plan something at the same time that the school has.

**COUNCILMAN GREGG** – To my knowledge, that's never been an issue.

**COUNCILWOMAN LITMAN** – Okay. Then I think I'm okay with that Jill.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – We're saying that the Parks still control it, but the school is given priority on those for the schedule? When they're scheduling for their practices, but it's still any other time it would be the Parks making the decision on how it's used?

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I just wanted to point out that this arrangement has been going on for at least twenty-five years. So, it's never been an issue. It's what our community is used to and the only reason we're putting this to paper is because now the school is putting forward money and school said, if we're going to put forth money, we need to have a contract. So, all they're doing is contractualizing the verbal agreement they've had for, I want to say twenty-five years because that's when I was in high school; it could be longer.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Yeah, that has been home court, right? Used to be some courts down in Lincoln Park, but those have been gone for a long time, I believe.

**COUNCIL PRESIDENT ISTNICK** – There's still a couple of courts at Wampler, but they need some serious work.

**COUNCILMAN MANSON** – Yeah.

**COUNCIL PRESIDENT ISTNICK** – Yes.

**COUNCILWOMAN LITMAN** – I would just be anticipating more interest in the tennis courts as they'll be brand new. Maybe those that have even graduated from Massillon that may want to come back or adult groups may to use that facility now that it's going to be brand new. That's my only question.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – There are leagues in the summer, there used to be. I don't know if they do have them now. I'm talking about adult leagues and stuff. I don't know if they still play now or not. One guy that was from Fleming that was an executive with Fleming, used to be the city champ all the time. I can't remember what his name is right now, but they had adult summer leagues.

**COUNCIL PRESIDENT ISTNICK** – Councilman Harris, did you have something?

**COUNCILMAN HARRIS** – I actually played tennis for the Tigers in high school. The practices run after school until about 5:00 p.m. and the matches, there's no rhyme or reason to the matches. They could be on a Tuesday or Thursday one week and then on a Monday or Friday the next week. I think what we need to look at here is the Massillon City Schools are basically getting use of brand-new tennis courts that cost the City what, \$300,000?

**COUNCILWOMAN CREAMER** – About \$199,000.

**COUNCILMAN HARRIS** – For twenty years, what would that cost them to put in, in property, are we getting what it's worth is my take.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – I mean this is an agreement we've had the school district, like we said, for years. I played tennis as well back in 2000 thru 2003 and I don't feel like it's appropriate at this point to be making a profit off the school district. I think it's more or less that this is just a good agreement that we have with the school district. It's been working for years and years and years. We haven't had any issues up until this point. I don't see any foreseeable issues in the future. I've never seen any complaints that the school's use those courts from people. So, I'm in full support of this.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – I'd just like to add that I do know that Coach Manweiler and the teams do provide maintenance at least cleaning and things like that, the courts. They don't just use them and walk away from them. So, they're adding some sweat equity into the equation as well.

**COUNCIL PRESIDENT ISTNICK** – Councilman Harris.

**COUNCILMAN HARRIS** – I'm not saying that I'm not in favor of this. I'm just saying that those are some things we should probably look at. I think the City's going to have some tennis courts regardless, so, if the school's willing to give us some money, why not take it?

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – Would there be any notification or information given to the public? Again, these are going to be brand new courts that they are aware of this contract and that the schools have priority?

**COUNCIL PRESIDENT ISTNICK** – I can't answer that.

**COUNCILWOMAN CREAMER** – I can answer that. I feel that there's a lot of questions tonight, good questions, that we don't have definitive answers. I think we're just going to give it first reading tonight and the Parks Director can, he'll be here, I believe, next Monday. He can speak and answer any of these questions just to put everybody's mind at ease. So, first reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Councilwoman Creamer. Ord. No. 154 – 2019 has received first reading. Might I ask, Councilwoman Creamer, do you know if it's just for the tennis courts or are they also going to be playing pickle ball there?

**COUNCILWOMAN CREAMER** – Tennis courts was the topic of discussion at the Parks and Rec. meeting.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**COUNCILWOMAN CUNNINGHAM** – Madam President, I believe when Mr. Pedro was here a few months back, he mentioned that they are going to be working on starting the pickle ball leagues and he did mention it at the time, but, just the tennis courts.

**COUNCIL PRESIDENT ISTNICK** – Okay, thank you. Anyone else? Pickle ball is tennis for old people. Ord. No. 155 – 2019.

**ORDINANCE NO. 155 – 2019**

**BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to renew a one (1) year agreement with the Stark County Public Defender's Office, for the purpose of providing representation for indigent defendants that are charged under City Ordinances, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. This is something we discussed at the Committee meeting with Law Director Scassa. It's a standard agreement that's been in place for several years and we're just renewing it. Is there anyone from the Law Dept. that would like speak regarding this?

**COUNCIL PRESIDENT ISTNICK** – Thank you, Mr. Richards.

**JUSTIN RICHARDS** – As Councilman Gregg said, this is an existing agreement. I can tell you the only other alternative is to have the Courts appoint which would be much more costly. So, this appears to be the financially prudent option and it's the one that the City's gone with. Does anyone have any questions?

**COUNCIL PRESIDENT ISTNICK** – Does anyone have any questions for Mr. Richards?  
Thank you. Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Mr. Richards. Given that and we've already discussed it, if there are no objections, I move that we move this forward and waive the rule requiring three readings and put Ord. No. 155 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Starrett. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 155 – 2019 has passed. Ord. No. 156 – 2019.

**ORDINANCE NO. 156 – 2019**

**BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

AN ORDINANCE amending Section (2)D Occupation List of Class Titles – City Officials – Law Director, of Ordinance No. 94 – 1994, Ordinance No. 215 – 1995 and Ordinance No. 127 – 1997 by repealing Section (2)D Occupation List of Class Titles – City Officials – Law Director, and enacting a new Section (2)D Occupation List of Class Titles – City Officials – Law Director, in the City of Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. First reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 156 – 2019 has received first reading. Ord. No 157 – 2019.

**COUNCILMAN MANSON** – Madam President?

**COUNCIL PRESIDENT ISTNICK** – Yes.

**COUNCILMAN MANSON** – Madam President, there's some information I'd like to get. Back to this, I'd like to ask the Law Dept. to get us some information on how this was handled originally. If it's Ohio Revised Code that this is being done under and also, if there can be a referendum on this and be put on the ballot, if that's possible. I'd like to know if that's, not now, I'd rather discuss it at our Committee meeting, but that's the information I'd like to have, please.



**COUNCIL PRESIDENT ISTNICK** – Anyone else? Ord. No. 156 – 2019 has received first reading. Ord. No. 157 -2019.

**ORDINANCE NO. 157 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund for Stark Medical Specialties, for the year ending December 31, 2019, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – First reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 157 – 2019 has received first reading. Ord. No. 158 – 2019.

**ORDINANCE NO. 158 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1234 Parks and Recreation Fund for The Legends of Massillon Golf Course, for the year ending December 31, 2019, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – First reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 158 – 2019 has received first reading. Ord. No. 159 – 2019.

**ORDINANCE NO. 159 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1205 Safety Forces Improvement Fund for the programming of radios, for the year ending December 31, 2019, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This fund will appropriate \$4,000.00 for the programming of radios so that our safety forces are able to better communicate with other districts; surrounding districts as they are working. This is all coming from the courts and their Safety Forces Improvement Fund. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 159 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Manson. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 159 – 2019 has passed. Ord. No. 160 – 2019.

**ORDINANCE NO. 160 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to approve the prisoner transport agreement between the City of Massillon and political subdivisions using the City's prisoner transport service and authorizing the Auditor of the City of Massillon, Ohio, to deposit said funds into the 1100 General Fund and the 1401 Capital Improvement Fund effective January 1, 2020, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes, this is an annual agreement that we have and this is so that whenever there is a district that has a case being heard in one of our courts and there has to be transportation involved, we're able to receive payment for that and there is also a built-in clause that allows us to receive some of the money to go into capital improvement to replace the van and take care its maintenance as necessary. Are there any questions or discussion this evening?

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – I would just like to confirm that 85% - 15% is what it currently is or is this a change in those percentages from the current agreement? Because I don't have a copy of that agreement here that says attached Exhibit "A", so that's why I was asking.

**COUNCILMAN LEWIS** – I don't have a copy, but there were no changes from the previous year.

**COUNCILWOMAN LITMAN** – So it was 85% - 15% previously?

**COUNCILMAN LEWIS** – Yes, so this is a continuance.

**COUNCILWOMAN LITMAN** – Alright, okay. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Do we have any idea how much money this generates annually?

**COUNCILMAN LEWIS** – I do not. I'll have to look to see if I can find it. If you give us a second, we could probably find it in our handy budget right here. Or we can ask the Budget Director if she can reference it directly? It gets spread out from multiple funds. We can find out that information if it's that essential for you for passage. But, essentially, we need to pass this to get paid.

**COUNCILWOMAN CREAMER** – I'm okay with proceeding, but I'd like...

**COUNCILMAN LEWIS** – Any other discussion? I'd like to make a motion that we suspend the rules requiring three readings, bringing Ord. No. 160 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 160 – 2019 has passed. Ord. No. 161 – 2019.

**ORDINANCE NO. 161 – 2019**

**BY: COMMITTEE OF THE WHOLE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with the Massillon City School District with regard to the real property tax valuation of permanent parcel number 10003720, and declaring an emergency

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Councilman Manson.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Thank you, Madam President. This is what we enter into Executive Session to discuss the other day. Are there any questions that anybody needs going forward? I'm not asking to pass this, I'm going to give it second reading, but is there anything that anybody would like to know in regards to this? I hope the next Committee meeting that the Law Director's here to discuss it. Dave, everybody; discuss this in open session.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Is this something that is time-sensitive to the point where we don't have the time to push it this far? I just don't know since there is litigation pending that we need to have any special meeting or anything like that?

**DAVE MALEY** – I've had conversations with the Auditor off and on about this issue. I think they'd prefer us to move on it. I know when I talked with the Law Director today, I think the School Board are going to take it. I'm not sure when their next meeting is, within the next week or two. But, if they agree and we agree here at Council, I think then the Board of Revision can move ahead and get it taken care of. Normally, they try to get all of their cases done by the end of September, I'm sorry, the end of October or November. So, I'm not sure how it's playing out in their schedule, but if there are questions, I'd be happy to try and answer them tonight or I guess we could wait until next week. But I think our preference would be to move forward.

**COUNCILMAN MANSON** – I'm very inclined just to give this first reading and have some more discussion on it next week. I think this is one of the biggest things that's hit us in quite some time here and I really think we ought to take a little time to consider it. If there's an emergency problem then we can have an emergency meeting, but at the time, if there's no drop-dead dates involved here, I can't see where another...

**DAVE MALEY** – I could possibly reach out and see if there's an issue and if there is, maybe next week we'll just have a Special Meeting.

**COUNCILMAN MANSON** – I recommend if anybody has any questions to get them to me or something and I'll get them to Dave and we'll try to get them answered and move on from there. But, as you see, if you look at the ordinance, we're talking about a lot of money. \$3.5 million dollar evaluation as compared to \$6.5 million dollar evaluation. So, it's an important thing. So, first reading.

**COUNCIL PRESIDENT ISNTICK** – Thank you. Ord. No. 161 – 2019 has received first reading.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

A Request for a New Liquor License for The Sangria Stand, LLC, 1<sup>st</sup> Floor Unit and Patio, 39 Lincoln Way E., Massillon, Ohio 44646. Permit Class is D3 and located in Ward 2.

**COUNCIL PRESIDENT ISTNICK** – Councilman Irwin, did you get a copy of this?

**COUNCILMAN IRWIN** – Yes, I did.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**COUNCILWOMAN LITMAN** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Yes.

**COUNCILWOMAN LITMAN** – Could it be clarified what a D3 permit class is?

**COUNCIL CLERK ROLLAND** – I believe it is to be able to serve wine, I'm not sure. Let me look it up for you.

**COUNCILWOMAN LITMAN** – I guess I thought they were already serving wine.

**COUNCIL CLERK ROLLAND** – For the record, a D3 is spiritous liquor for on-premises consumption only, until 1:00 a.m.

**COUNCILWOMAN LITMAN** – For liquor and wine?

**COUNCIL CLERK ROLLAND** – It just says spiritous.

**COUNCILWOMAN LITMAN** – Okay. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Anyone else?

**9. BILLS, ACCOUNTS AND CLAIMS**

The Repository - \$ 639.20 Publication of September Ordinances

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I make a motion that we pay the bills.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Roll call.

9 yes to pay the bills

**COUNCIL PRESIDENT ISTNICK** – The Clerk will pay the bills and charge them to their proper accounts.

**10. REPORTS FROM CITY OFFICIALS**

**11. REPORTS OF COMMITTEES**

**COUNCIL PRESIDENT ISTNICK** – There will be Health, Welfare and Building Regulations Committee meeting Monday, November 25, 2019 at 5:30 p.m. and then our regular Work Session will follow at 6:30 p.m.

**12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS**

**13. CALL OF THE CALENDAR**

**ORDINANCE NO. 126 – 2019**                      **BY: POLICE AND FIRE COMMITTEE**  
**Tabled November 4, 2019 until November 18, 2019**

AN ORDINANCE amending Chapter 32 of the Massillon Code of 1968 by repealing existing Section 32.14 "Personnel of the Police Department" and enacting a new Section 32.14 "Personnel of the Police Department"; and also repealing Section 2 of Ordinance No. 126 - 1977.

**COUNCIL PRESIDENT ISTNICK** – Councilman Harris.

**COUNCILMAN HARRIS** – Thank you, Madam President. Can I have the Chief come up?

**COUNCIL PRESIDENT ISTNICK** – Yes, you may. Thank you, Chief.

**COUNCILMAN HARRIS** – Good evening, Chief.

**KEITH MOSER** – Good evening.

**COUNCILMAN HARRIS** – Has there been any movement by the Union on this issue?

**KEITH MOSER** – We've had one meeting and we are trying to set up another meeting for next week, hopefully. So, I would request that we continue to table it. If we could do it maybe like four weeks out just to give us a little time because there are going to be some things to continue to work on and that would still give us time before the end of the year.

**COUNCILMAN HARRIS** – December 16<sup>th</sup>?

**KEITH MOSER** – Sounds good.

**COUNCILMAN HARRIS** – Sounds good. That's all I got.

**KEITH MOSER** – Thank you.

**COUNCILMAN HARRIS** – Madam President, I make a motion that we continue to table this ordinance until December 16<sup>th</sup>.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Manson. Roll call.

9 yes to table Ord. No. 126 – 2019 until December 16, 2019

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 126 – 2019 has been tabled until December 16, 2019.

**14. THIRD READING ORDINANCE AND RESOLUTIONS**

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 150 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE to adopt appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2020, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Second reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 150 – 2019 has received second reading. Ord. No. 151 – 2019.

**ORDINANCE NO. 151 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE amending Ordinance No. 143 – 1976 to enact a new Section “ALLOCATION OF FUNDS – INCOME TAX” by repealing Section 13 – “ALLOCATION OF FUNDS – INCOME TAX” and enacting a new Section 13 – “ALLOCATION OF FUNDS – INCOME TAX” and repealing Ordinance No. 147 – 2017, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Second reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 151 – 2019 has received second reading.

**16. NEW AND MISCELLANEOUS BUSINESS**

**17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA**

**JAMES HAAVISTO** – 2443 Wittenberg Ave. S.E., Massillon, Ohio, and I appreciate your allowing me to speak tonight. First of all, as I told you a couple of times, I don't care who wins the election; we're just moving the City forward. I don't know about you guys, but I'm excited. We had more participation in this City than I think we've had. We had a compliment from the Repository for people stepping up and running for office. A lot of people asked me what my plan is? I tell you what my plan is. I hope that in two years, we have every seat challenged. That's not because you're not doing a good job. I never said anyone here wasn't doing a good job. I hope someone steps up in both parties and challenges. I hope that those two challengers come together in the General Election. I hope that Independent candidates, again, step up to the plate. I'm excited about that because Massillon can be ahead of the cities around us and others. No election should be dominated by one party. We have republicans working against me, Democrats working against me; some working for me. That's the way the system goes. I have no animus whatsoever for what I've done or any of the people running for office did. I'm sad to see some people leaving Council, I'm glad to see coming on board. It just changes that way and now I know I'm just the "Hot Dog Man" and I want to make that very clear and put that on public record for the City. Yes, I am just the "Hot Dog Man". But while the "Hot Dog Man" was studying this week, not hot dogs, but the Constitution of the United States and the Declaration of Independence, when I was studying that, in between making hot dogs, I notice that there were 56 people that signed that Declaration of Independence. And you know what's interesting? I don't have a lot to lose. I'm just a middle-class guy. I got a comfortable life. Nice family, make a nice living. I think a lot of us are the same way. But I looked back and I started researching that and I couldn't believe what these 56 people went through. These were people that had 170 years in this country before the Declaration of Independence or families that built up wealth. They were powerful people. Mostly lawyers, doctors, land owners, business owners. They were wealthy. One guy put two million dollars at that time. Now that's worth thirty million dollars, his own money, to fund the Revolutionary War and never got repaid by the government. Sold everything he had, died broke. That was similar for most of them. Interesting I sent a message to a friend of mine this week about Massillon and they said, let it burn, and we chuckled about it. It was funny. It straight up was funny; it was a joke between us. But then I started to think about John Hancock, one of the most signers of that Declaration of Independence and he stood and looked over Boston and what did he say? Something to the affect and I'm paraphrasing, he said if that city burns that makes me a poor man, but if I do that for the sake of the good of the future and the freedom of the people of this country, I'm willing to do it and that's what we did in this election. We don't have a lot to lose like they did, but, that's a powerful thing. I hope we all work. We don't deserve the jobs that we're in. We're elected and we serve the people and I want us to always keep that attitude. If you're challenged an election, guess what; you should be. Not because you're bad but because the free exchange of ideas and the free speech that we experience here at this Council is important for all of us and if we're ever going to continue to move our city ahead, change direction of just as we need to, we have to have open and free elections and God bless America and the City of Massillon.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Anyone else?

**JEFF BOERNER** – Excuse me, ladies and gentlemen, I'm afraid to be running late, but I got to talking to you out front down there and here I am.

**COUNCIL PRESIDENT ISTNICK** – Your name and address.

**JEFF BOERNER** – Oh, 409 – 3<sup>rd</sup> St. N.E., Massillon, Ohio. I know I'm like fifteen to twenty minutes late, but I do want to hit on, I don't know what was said earlier, but I remember last week and you might have touched base in the beginning of this evening, but as you know me at the last couple of weeks that I've been coming here and you know a little bit about me that I'm always checking downtown on Lincoln Way throughout the week, every day, since they started on that project. You cannot tell at the beginning where the sidewalk ends and the street begins and if you put up a four-way stop sign, you'd have to put in the traffic lights to be safe. Safety is the best. Otherwise, you're going to have chaos and havoc and you may have a law suit; people getting hit by the cars. Two, when you start snow plowing and I noticed it in April when I heard about it and you got the bricks being laid down; you cannot use a plow of any kind, let alone a snow shovel of any kind on that brick. You will destroy it. You cannot use snow salt, let alone sand. There's water in sand, so, it will freeze. You have to go with something to protect the brick and the "M" from being destroyed. So, hopefully, the Park Dept. still has the brush to the Steiner on the running mower when you have to have one of the Street Dept. guys to plow all over the brick with the attachment to the Steiner and you'll be in good shape. Otherwise, and I do stress this, you cannot have a plow or snow shovel of any kind or salt on that brick. Otherwise, all the time and the money and the effort in this project will be destroyed. I don't know if you're aware of this, but I've been doing this for more than twenty years. So, if you're not aware of it of me being here, I'm right on it. So, hopefully I got that in three minutes. Thank you for your time.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Anyone else?

**BILL WEAVER** – 28 Lincoln Way E., Massillon, Ohio. I need an answer. I want to know when the road's going to be open. I want to know when you're going to put stop signs up and when it's going to be open to travel down Lincoln Way. I know it'll be open for the parade, Saturday. Is it going to stay open?

**COUNCIL PRESIDENT ISTNICK** – Mr. Weaver, this is not a question and answer.

**BILL WEAVER** – But this is something you all owe us.

**COUNCIL PRESIDENT ISTNICK** – I understand.

**BILL WEAVER** – You owe us to tell us, when.

**COUNCIL PRESIDENT ISTNICK** – At the end of the meeting, perhaps, the Mayor can talk to you.

**BILL WEAVER** – Alright.

**COUNCIL PRESIDENT ISTNICK** – Anyone else?



**18. ADJOURNMENT**

**COUNCILMAN MANSON** – I move we adjourn.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Starrett. Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT